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EXAMINER

NGUYEN BA, HOANG VU A

ART UNIT	PAPER NUMBER
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2421

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/609,204	Applicant(s) HERZ, WILLIAM SAMUEL	
	Examiner Hoang-Vu A. Nguyen-Ba	Art Unit 2421	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 September 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2 and 7-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-2 and 7-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is responsive to Amendment filed September 25, 2008.
2. Claims 1-2 and 7-14 are pending. Claim 1 is an independent claim.

Response to Amendment

3. Per Applicant's request, Claim 1 has been amended and Claims 3 and 15-60 have been canceled.

Response to Arguments

4. Applicant's arguments with respect to Claim 1 have been fully considered but they are not persuasive. The following is an examiner's response to Applicant's arguments.

Applicant's arguments

The Examiner has rejected claims 1-2 and 7-14 under 35 U.S.C. 102(e) as being anticipated by Eiref et al. (US 6,621,509). The Examiner has rejected claim 3 under 35 U.S.C. 102(e) as being unpatentable over Eiref et al. (US 6,621,509), in view of Kamen et al. (US 6,421,067). The Examiner has rejected claims 38, 40 and 56-58 under 35 U.S.C. 102(e) as being unpatentable over Martino et al. (US 6,662,177), in view of Eiref et al. (US 6,621,509).

Claim 1 was amended to include the limitation of claim 3. Additionally, Applicant has clarified in claim 1 that one of the surfaces displays an Electronic program guide for a plurality of channels and the other surfaces displays a PVR guide for a plurality of video files. By virtue of this amendment, it is respectfully submitted that claim 1 distinguishes over Eiref.

In the Office Action, the Examiner refers to the cube examples in column 8 of Eiref. However, the first example in column 8, lines 2-8 of Eiref is that the display area 70 has a plurality of the planar thumbnails 110 on display area 70 corresponding to a television viewing guide ("a plurality of thumbnails 110 corresponds to a television viewing guide"). Each individual thumbnail 110 corresponds to a particular time and channel... [and] indicated particular program."

In Eiref an individual three-dimensional cube 92 pops up when "one of the information thumbnails 110 is selected," as described in column 8, lines 9-10. However, one of ordinary skill in the art would clearly understand that the cube-shaped pop-up in Eiref is a pop-up providing information for ~ television program since the pop-up is generated when a thumbnail for a program is selected. Thus, an individual cube in Eiref cannot be an EPG for a plurality of television channels.

The Examiner also refers to the alternate examples in Eiref of video titles of DVD disks. However, it would be clear to one of ordinary skill in the art that in these alternate examples that the cube-shaped pop-up is generated when an individual thumbnail for a specific DVD title is selected. Thus, in the alternate example a cube could be generated for a DVD/VCR title but the

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cube would be specific to only that DVD/VCR title. Thus, a single cube in Eiref cannot be a PVR guide for a plurality of video files.

Moreover, Applicant can find no discussion or examples in Eiref that EPG data and PVR data are combined on a single cube. The examples in Eiref clearly indicated a cube is generated when a specific thumbnail is selected. In the primary example, the cube is generated when a thumbnail for a single program is selected and thus a cube is related to a single program. Similarly, when a thumbnail for a DVD title is selected, a cube for only that specific DVD title is generated.

Applicant also notes that Eiref simply fails to teach or suggest the functionality of the claimed invention. As illustrated in the Figures, providing an EPG for a plurality of channels on one surface and a PVR guide for a plurality of video files on another (orthogonal) surface permits a user to look at both PVR and EPG data simultaneously. Moreover, since the two surfaces are rotatable with respect to the axis, a user can move the image to obtain a detailed view of one of the surfaces (such as the EPG surface) while maintaining a partial view of the other surface (e.g., the PVR guide surface). Thus the user has the benefit of preserving contextual information as they attempt to make an entertainment selection.

As an illustrative example of a benefit of the claimed invention a user might first ponder selecting a video file using the PVR guide. The user may then decide to check out what is on TV. In the claimed invention, the user can rotate the image to obtain a better view of the EPG guide while preserving contextual information about the PVR guide. The end user is therefore aided to switch back and forth in making choices between EPG and PVR selections. Thus, an individual planning an evening's entertainment can rotate the image back and forth as they contemplate TV and PVR choices while at the same time preserving contextual information.

In light of the above-described remarks, it is respectfully submitted that claim 1 fully distinguishes over the cited references. The cited references, when fairly interpreted, do not have a first surface having an EPG for a plurality of channels and a second, orthogonal surface having a PVR guide for a plurality of video files. An individual cube in Eiref is not an EPG for a plurality of channels and individual cube is not a PVR guide for a plurality of video files. Moreover, an individual cube in Eiref does not have both EPG and PVR data. An end-user in Eiref simply cannot rotate a single cube in Eiref to view both a true EPG guide and an PVR guide. Thus, Eiref fails to teach or suggest a number of claim limitations and also fails to teach or suggest the functionality of the claimed invention.

Examiner's response

In response to Applicant's argument that Eiref's 3D cube 92 in FIG. 7 and associated discussion in column 8 provides information for a single television program since the pop-up cube is generated when a thumbnail for a specific program is selected and thus cannot be an EPG for a plurality of television channels, the examiner respectfully notes that the cube shown in FIG. 7 is merely an example or embodiment of Eiref's invention. As further discussed in column 8 (e.g., lines 32-34, 49-50, 56-58), the information presented in the 3D object may vary and may be a 3D graphics menu that can be mapped into the object (e.g., cube). In view of this suggestion, an EPG for a plurality of television channels can be displayed on the face of the cube (e.g., see FIG. 4 bottom left).

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Similarly, Applicant submits that the individual cube in Eiref cannot be a PVR guide for a plurality of video files. As discussed above, the information presented in the 3D object can also be a list of televisions programs or movies (e.g., a PVR guide) stored on the combined PVR-Cable box provided by the Cable company.

Applicant further submits that Eiref simply cannot rotate a single cube in Eiref to view both a true EPG guide and a PVR guide. Contrary to Applicant's assertion, it is shown in the Office action that when Eiref is combined with Kamen, especially when the aspect of rotation of Kamen's polyhedron (e.g., the axis of rotation lies along the intersection of the two faces of the Eiref's cube) is used in combination with Eiref display of EPG and PVR guides, each on a different surface, the combination of the two teachings would allow a user to rotate to the face where the desired information is displayed.

In view of the foregoing discussion, the rejection of Claims 1-2 and 7-14 under 35 U.S.C. § 103(a) as being unpatentable over Eiref in view of Kamen is deemed proper and maintained. Since Applicant's amendments to Claim 1, by incorporating the feature of Claim 3 into the previously presented claim 1, necessitated the same ground of rejection of previously rejected Claim 3, the Office action is made final.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-2 and 7-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,621,509 to Eiref et al. ("Eiref") in view of U.S. Patent No. 6,421,067 to Kamen et al. ("Kamen").

Claim 1

Eiref discloses at least *a method of displaying media information, comprising:*

generating a three-dimensional image displaying an Electronic Program guide (EPG) for a plurality of television channels on the first planar surface and Personal Video Recorder (PVR) guide for a plurality of video files on the second planar surface (it is noted that the PVR is broadly interpreted as a set top box STP which stores EPG and video files such as advertisements, TV program clips, movies trailers that are displayed along with the EPG; see at least FIG. 7); and

in response to a user input, moving said three-dimensional image to provide contextual information to facilitate a user navigating between EPG information and PVR information (see at least 8:22-39; 13:20-30).

Eiref does not specifically disclose:

including a first planar surface and a second planar surface intersecting along an axis with the first planar surface being orthogonal to the second planar surface, the three-dimensional image and

rotating the three-dimensional image about said axis with the degree of rotation being selectable according to said user input to permit a user to select a face-on view of one of said planar surfaces while maintaining a partial view of the other surface.

However, in an analogous art, Kamen discloses mapping video images from different television channels onto different faces of a polyhedron (e.g., cube) which a viewer can rotate to obtain a display of what is playing on various channels on the television (see at least FIG. 2_C, items 561-563).

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to use the technique of mapping video images onto a polyhedron which can be rotated taught by Kamen to Eiref teachings because this would give a user of Eiref teachings the capability of rotating Eiref's cube to a degree chosen by a user.

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Claim 2

The rejection of base claim 1 is incorporated. The combination Eiref-Kamen further discloses *wherein in response to a user input, one of said planar surface is rotated into a face-on view while maintaining a partial view of the other planar surface* (Eiref; see at least FIG. 15, step 258; FIG. 16, step 278).

Claims 3-6 (canceled)**Claim 7**

The rejections of base claim 1 and intervening claim 2 are incorporated. The combination Eiref-Kamen further discloses *wherein said second surface is moved into a face-on view* (Eiref; see at least 8:22-39), *the method further comprising:*

displaying objects representing drawers on said second planar surface (see at least FIGs. 4, 7, e.g., Eiref's thumbnails are equated with the claimed "drawers" because when the thumbnail is selected, a 3D-cube similar to a drawer is shown attached to a foreground plane – i.e., second planar surface -- that is separate from the background plane showing the thumbnails),

responsive to a user input requesting information for a selected drawer (Eiref; see at least 8:9-12),

opening said selected drawer orthogonally to said second surface and displaying information describing stored video files associated with said selected drawer (Eiref; see at least FIGs. 4, 7).

Claim 8

The rejections of base claim 1 and intervening claims 1, 2, 7 are incorporated. The combination Eiref-Kamen further discloses *wherein said displaying information describing stored video files comprise displaying at least one picture* (Eiref; see at least FIGs. 6, 7).

Claim 9

The rejections of base claim 1 and intervening claims 1, 2, 7 are incorporated. The combination Eiref-Kamen further discloses *wherein said displaying information describing stored video files comprises: playing at least one audio file* (Eiref; see at least FIGs. 4, 6, 7; it is noted that when playing a video file most likely the accompanying audio file is also played unless the “mute” option is set by the user).

Claim 10

The rejections of base claim 1 and intervening claims 1, 2, 7 are incorporated. The combination Eiref-Kamen further discloses *wherein said displaying information comprises: revealing at least one data pop-up configured for a user to obtain additional information for at least one stored video file* (Eiref; see at least FIG. 7, e.g., “3D object 92”).

Claim 11

The rejections of base claim 1 and intervening claims 1, 2, 7, 10 are incorporated. The combination Eiref-Kamen further discloses *wherein said at least one data pop-up is a polyhedron having a media thumbnail associated with at least one face of the polyhedron* (Eiref; see at least FIG. 7, e.g., if the thumbnail represents a VCR tape,” the VCR tape content will be shown on the front face like the “live video 90” is in FIG. 7).

Claim 12

The rejections of base claim 1 and intervening claims 1, 2, 7, 10, 11 are incorporated. Eiref further discloses *rotating said pop-up to reveal a thumbnail of said polyhedron disposed on a face of said polyhedron that is initially hidden from view* (see at least 8:22-39; 13:20-30).

Claim 13

The rejections of base claim 1 and intervening claims 1, 2, 7, 10, 11 are incorporated. The combination Eiref-Kamen further discloses *wherein said data pop-up is a cube having media thumbnails associated with faces of the cube* (Eiref; see at least FIGs. 4, 6, 7).

Claim 14

The rejections of base claim 1 and intervening claims 1, 2, 7, 10, 11 are incorporated. The combination Eiref-Kamen further discloses *wherein said media thumbnail is selected from the group consisting of: an audio thumbnail, a still picture, and a video clip* (see at least FIGs. 4, 6, 7 and 8:6-8).

Claims 15-60 (canceled)

Conclusion

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hoang-Vu “Antony” Nguyen-Ba whose telephone number is (571) 272-3701. The examiner can normally be reached on Monday-Friday from 9:00 am to 5:30 pm.

If attempts to reach the examiner are unsuccessful, the examiner’s supervisor, John Miller can be reached at (571) 272-7353.

The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

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Any inquiry of a general nature or relating to the status of this application should be directed to the TC 2400 Group receptionist (571) 272-2400.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at (866) 217-9197 (toll-free).

/Hoang-Vu Antony Nguyen-Ba/

Primary Examiner, Art Unit 2421

December 12, 2008